

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PINTERS DISTRICT COUNCIL)
NO. 2, *et al.*)
Plaintiffs,)
vs.) Cause No. 4:11-cv-1824
KNAUST DRYWALL, INC., *et al.*)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' motion for partial default judgment as to liability on a known amount of damages against Knaust Drywall, Inc., and its President, Cynthia Knaust. Plaintiffs are a labor union and the trustees, sponsors, and/or fiduciaries from various funds. Plaintiffs filed this action on October 20, 2011. As to defendant Knaust Drywall, Inc., plaintiffs' filed this action under the Labor Management Relation's Act of 1947 ("LMRA"), 29 U.S.C. §185 and the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1132, §1145. Plaintiffs allege Knaust Drywall, Inc., failed to make contributions and dues remissions required of it under a collective bargaining agreement between Knaust Drywall, Inc., and its employees' union. Plaintiffs claim against defendant Cynthia Knaust based upon a personal guarantee she signed with the union agreeing to be held personally liable for any delinquent or unpaid deductions to the plaintiffs, including assessed damages and costs.

On December 30, 2011, plaintiffs filed a motion for entry of default and memorandum in support of the same at the Court's request. The plaintiffs' motion request the Court enter partial default judgment against defendants and order Knaust Drywall, Inc., to submit to the plaintiffs'

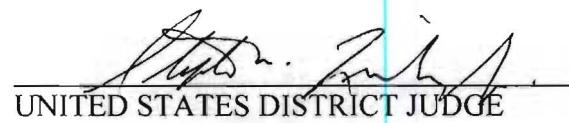
attorney its individual compensation records, payroll registers, payroll journals, time-cards, federal and state tax forms, W-2 forms and 1099 forms, state quarterly tax returns, workers compensation reports, fringe benefit records and reports, job cost records, general ledger with cash disbursements and supporting documents, accounts receivables, invoices, and check stubs for the period of September 1, 2010 through the present date for review and copying within ten (10) days at Knaust Drywall Inc.'s expense. The plaintiffs' motion also requests a known amount damages, costs and attorneys fees plaintiffs have incurred totaling \$54,789.34 to date to be entered against the defendants, jointly and severally, based upon Knaust Drywall's breaches and Cynthia Knaust's personal guaranty. The defendants have not responded to the plaintiffs' motion.

Upon review of the record,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs shall have judgment against the defendants, jointly and severally, in the amount of \$54,789.34, on which plaintiffs may immediately execute upon with post judgment interest accruing.

FURTHER, within ten (10) days of this Partial Default Judgment, defendant Knaust Drywall, Inc., must submit to the Plaintiffs' attorney its individual compensation records, payroll registers, payroll journals, time-cards, federal and state tax forms, W-2 forms and 1099 forms, state quarterly tax returns, workers compensation reports, fringe benefit records and reports, job cost records, general ledger with cash disbursements and supporting documents, accounts receivables, invoices, and check stubs for the period of September 1, 2010 through the present date for review and copying within ten (10) days at Defendants' expense to allow plaintiffs to determine what, if any, additional damages are owed. If additional damages are determined and defendant Knaust Drywall, Inc., Cynthia Knaust's Personal Guaranty will be applicable to these

additional damages, and Cynthia Knaust will, therefore, be liable for additional unpaid damages found through examination of the documents above.



UNITED STATES DISTRICT JUDGE

Dated this 23rd day of ^{February} January, 2012.